

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

DAVID COX,

Plaintiff,

v.

RYAN MARINI, SEAN BORDWELL,
AND JOHN DOE,

Defendant.

Civil Action No. 05-11608-GAO

JOINT STATEMENT OF PARTIES PURSUANT TO LOCAL RULE 16.1(D)

Plaintiff, David Cox, and defendant, Sean Bordwell, respectfully submit this Joint Statement Pursuant to Local Rule 16.1(D)

I. Proposed Scheduling Conference Agenda

- A. Discussion of background of case;
- B. Discussion of discovery plan and motion schedule;
- C. Discussion of status of settlement discussions;
- D. Setting of date for pretrial conference and tentative trial date; and
- E. Amenability/objection to trial by magistrate judge.

II. Proposed Schedule and Discovery Plan

- A. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) to be served by May 20, 2006.

Defendant, Sean Bordwell (“Mr. Bordwell”), **separately proposes and requests** that Plaintiff’s initial disclosure obligations be explicitly ordered to include disclosure of his account of the alleged events at issue in this case as provided to, and memorialized in a report maintained by, the Boston Police Department. Plaintiff provided his account to an officer of the Boston

Police Department immediately after the incident at issue, and in the presence of Mr. Bordwell. It is believed that this report, the existence of which has been confirmed by the Boston Police Department, contains information confirming that Mr. Bordwell engaged in no wrongdoing. To the extent that Plaintiff does not already have a copy of this report in his possession, the Boston Police Department has confirmed to Mr. Bordwell's counsel that a copy of it may be obtained by Plaintiff upon his written request for same. As such, the report comprises a document within his possession, custody, or control. Mr. Bordwell's counsel previously has made several request for a copy of this report; the requests have not been responded to by Plaintiff's counsel.

The Plaintiff, David Cox, **separately proposes and requests**, that Defendants' initial disclosure obligations be explicitly ordered to include disclosure of the name and address of the Third assailant named in this matter as John Doe.

- B. All discovery to be completed by October 15, 2006.
 - C. Dispositive motions to be filed by November 16, 2006.
 - D. Oppositions to Dispositive Motions by December 16, 2006.
 - E. The parties shall file a joint pretrial memorandum on or before January 31, 2007.
 - F. A pretrial conference be held sometime after February 15, 2007, at which time, *inter alia*, a schedule for *in limine* motions shall be addressed.
- G. The Court consider setting this case for trial on a trial calendar in **April 2007**.

Respectfully submitted,

COUNSEL FOR DAVID COX,

/s/ Damon Hart
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and

Defendant,

SEAN BORDWELL,

By his attorneys,

/s/ Brian P. McDonough
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Brian P. McDonough, BBO #637999
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Dated: April 15, 2006

CERTIFICATE OF SERVICE

I certify that on this 15 day of April, 2006, a true copy of the foregoing document has been furnished by overnight courier to the following parties and attorney of record:

Anthony R. Zelle
Brian P. McDonough
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AND

Mr. Ryan Marini
Pro Se Defendant
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/s/ Damon Hart

Damon P. Hart